

FILED

UNITED STATES COURT OF APPEALS

NOV 05 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LUIS SANCHO and WALTER L.
WAGNER,

Plaintiffs - Appellants,

v.

U.S. DEPARTMENT OF ENERGY; et al.,

Defendants - Appellees.

No. 08-17389

D.C. No. 1:08-cv-00136-HG-KSC
District of Hawaii,
Honolulu

ORDER

Before: B. FLETCHER, PREGERSON and CLIFTON, Circuit Judges.

Judge Pregerson and Judge Clifton have voted to deny the petition for rehearing en banc, and Judge B. Fletcher so recommends. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for rehearing en banc is DENIED.